

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 523 of 2006 (M/B)

Sri Khyali Singh Rawat
S/o Sri Laxman Singh Rawat
R/o Village Shivpur Patti Ajmer Walla,
P.S. Kotwali, Distt. Pauri Garhwal. Petitioner

Versus

1. State of Uttaranchal
through Secretary Home,
Secretariat Dehradun.
2. Rameshwar Prasad Bhardwaj
Patwari –Saneh, Tehsil Kotdwar.
District Pauri Garhwal. Respondents

Sri L.K.Tiwari, Advocate for the petitioner.
Sri D.K.Sharma, Government Advocate for respondents.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Sri L.K.Tiwari, Advocate for the petitioner.
Sri D.K.Sharma, Government Advocate for respondents.
They are heard.

2. Petitioner Khyali Singh Rawat apprehending his arrest in the case registered at Crime No. 228 of 2006 at Police Station Kotdwara, district Pauri Garhwal for the alleged commission of the offence punishable under Sections 379/411 I. P. C. and Sections 3/57/70 of U.P. / Uttaranchal Mines and Mineral Concession Rules 1963, has filed this writ petition for the following reliefs:

“A. Issue a writ, order or direction in the nature of Certiorari for quashing the impugned First Information Report (Annexure No. 1) dated 27.04.06 registered as case Crime No. 228/06 under sections 3/57/70 U. P./Uttaranchal Mines and Minerals

Act and 379/411 of the Indian Penal Code, P.S. Kotdwar, District Pauri Garhwal.

- B. Issue a writ, order direction in the nature of Mandamus commanding the respondents not to arrest the petitioner in respect of case crime No. 228/06 under Sections 3/57/70 U.P./Uttaranchal Mines and Minerals Act and 379/ 411 of the Indian Penal Code, P.S. Kotdwara, District Pauri Garhwal..
- C. Issue any other writ, direction or order as this Hon'ble Court may deem fit just and proper in the circumstances of the case.
- D. Allow the writ petition with cost in favour of the petitioner.”

3. According to the First Information Report (Annexure 1), the petitioner was found carrying boulders unauthorisedly in a tractor registered in the name of his wife.

4. The First Information Report further indicates that the petitioner was found indulging in such activities in the past also, but in spite of the repeated warnings, he continued with his above activities.

5. Considering the serious nature of the allegations against the petitioner, we do not find any good grounds for quashing of the First Information Report and the case registered against the petitioner.

6. The writ petition, therefore, fails and is hereby dismissed summarily.

7. With the above order, CLMA No. 5298 of 2006 stands dismissed.

(Prafulal C. Pant, J.)
04.05.2006

(Rajeev Gupta, C. J.)
04.05.2006

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